

Order

Michigan Supreme Court
Lansing, Michigan

September 28, 2009

Marilyn Kelly,
Chief Justice

137574 & (20)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 137574
COA: 286152
Livingston CC: 93-007419-FH

TAD SPENCER DEWULF,
Defendant-Appellant.

By order of March 23, 2009, the application for leave to appeal the September 8, 2008 order of the Court of Appeals was held in abeyance pending the decision in *People v Jackson* (Docket No. 135888). On order of the Court, the case having been decided on July 10, 2009, 483 Mich 271 (2009), the application is again considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the Livingston Circuit Court's Order to Remit Prisoner Funds for Fines, Costs, and Assessments, entered on November 18, 2005, which assessed the defendant \$475 in unspecified fees or costs. The circuit court failed to cite any authority, and we are not aware of any, that permitted it to order an assessment of unidentified costs and/or fees twelve years after the defendant was sentenced and without providing notice and an opportunity to be heard. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. The motion to remand is DENIED.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 28, 2009

Corbin R. Davis

Clerk